

REMARKS / ARGUMENTS

This application includes claims 1-60, with claims 1 and 29 in independent form. Claims 1 and 29 have been amended in this response.

In a Final Office Action mailed on September 23, 2003, the Examiner rejected claims 1-5, 8, 9, 13, 14, 17-21, 23-33, 36, 37, 41, 42, 45-49 and 51-60 under 35 U.S.C. 102(b) as anticipated by Rose (U.S. Patent No. 5,930,769), rejected claims 6, 7, 34 and 35 under 35 U.S.C. 103(a) as unpatentable over Rose, rejected claims 10-12 and 38-40 under 35 U.S.C. 103(a) as unpatentable over Rose in view of Meyer, Harvey: "Many Happy Returns", Journal of Business Strategy, Boston, Vol. 20, Issue 4, July/August 1999, pp. 27-31, and rejected claims 15, 16, 22, 43, 44 and 50 under 35 U.S.C. 103(a) as unpatentable over Rose in view of Slatalla, Michelle: "A Personal Tailor for Denimed Masses", NY Times, NY, NY, Late Edition (East Coast), July 27, 2000, p. G4.

Rose relates to a system and method for fashion shopping and addresses the issue of non-uniformity of dimensions of garments created by different manufacturers, e.g. a dress from one manufacturer may have different dimensions than the same size dress from another manufacturer. Rose proposes to solve this problem by providing a system in which a customer selects a garment, and the system, based on the customer's predetermined physical measurements and the measurements of one or more sizes of the selected garment, computes a recommended garment size. This may eliminate the need for the customer to guess what size he or she is in the selected garment. Once the size is determined, the Rose system then computes the location and amount of any alterations that are required for the recommended size of the selected garment. See Rose, col. 7, line 28 – col. 8, line 31.

On page 3 of the Final Office Action, the Examiner points to col. 7, lines 62-67 in support of the assertion that Rose discloses a system in which the user may customize the desired article. This cited section of Rose discloses that:

“The system may also generate a pointer or arrow 48 which indicates where alterations need to be performed and specifies how much alteration a selected fashion needs. The amount that is required to be adjusted is listed in inches, but can also be listed using the metric system.” Rose, col. 7, lines 62-67.

This quote merely clarifies that the system described in Rose computes and displays one or more locations and amounts of alterations, and does not support the assertion that Rose discloses a system in which the user may customize the desired article. Once the appropriate size is determined, the Rose system outputs the location and amount of alterations for the selected article.

The Rose system is designed for finding the appropriate size and suggesting alterations, and not for providing a user with the ability to customize an article. In the Rose system, the customer is never given the option to accept or reject the required alterations, and at no time either before or after the size determination, is the user ever given an opportunity to input alterations independently.

Rose, at col. 8, line 1, further describes a system in which “required alterations” are stored in the computer and sent to an automated tailoring system. Rose, at col. 8, lines 6-15, describes a “feedback system” in which a user may try on test garments to determine whether fit is appropriate, after which the user then provides information as feedback to the computer, and based upon that information the computer then modifies future analyses. Finally, as pointed out by the Examiner, Rose, at col. 6, lines 50-55, discloses implementing the system on a computer

running a Microsoft Windows-based or other operating system and having a touch-screen computer monitor, mouse or keyboard. Applicants respectfully submit that none of these cited passages disclose and that Rose throughout does not show or suggest "allowing the user to customize the article, via said user interface, during a session with a customizing interface through the use of a visual aid", as recited in independent claims 1 and 29.

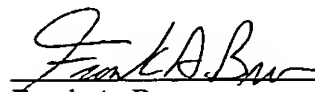
Because all of the claims require "allowing the user to customize the article, via said user interface, during a session with a customizing interface through the use of a visual aid" as recited in independent claims 1 and 29, and because neither Rose nor any of the other cited references, alone or in combination, disclose this step, the applicants respectfully submit that all of the claims of the pending application are now in condition for allowance.

Conclusion

Therefore, it is respectfully submitted that the present application is in condition for allowance and prompt notification thereof is requested. If the prosecution of this application can be advanced by a telephone conference, the Examiner is requested to call the undersigned at (212) 530-5456.

Respectfully submitted,

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